PLAINTIFF'S EXHIBIT

Case: 2:09-cv-00583-JLG -EPD Doc #: 100-11 Filed: 02/23/11 Page: 1 of 30 PAGEID #: 880

White: to Court	Goldenrod: to Officer	Pink: to Defendant
Frazeysbuc	s Mayors	
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ístr	eet and number)	. At 100 mg at 40 mg mg mg mg mg 100 mg mg
ffactysberts (city)	(name of county)	County, Ohio
State of Ohio	DIPATRIGUE	IN LIEU OF ARREST
cillage of Frazeysl		T WARRANT, AND AINT UPON SUCH
Traig M Kirk		RUMMINS
(hame of defendant)	Hule 4(A)(4759 Erm XII
(address)		MMONS NO.
(age)	/_ <u>07:03</u>	
*******************		CASE NO. Transament
TO DEFENDANT:		
Tur lines, a fi isan man dia	SUMMONS	y . s
are summoned and or	ite arrest upon a idered to appear	misdemeanor you
captioned Court at 🎉	30.emo'clock4	4 SENT
		(day, date)
2007 ** the Juvenil	e Court of	Left The second
County at the time ar you fail to appear at	id place ordered this time and r	by that Court. If
arrested.		
This summons served	personally on Zoo	the defendant on 7_
	COMPLAINT	
		830 Am
On Le SEpt Court	27 N. S. 25	Busseills, OHio
rou hear by ord	(place)	£ =
describe the offense	charged and state	the numerical
designation of the	in t	and the section and fine term are the section of the section and
designation of the	applicable statute	or ordinance)
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(A)	Cay RI	Enforcement Officer
Signature of Issen	ng-Charging Law	Enforcement Officer
deing duly sworn the iss tates that he has read the	above complaint an	embreement officer id that it is true.
leering	harging Law Enfor	
worn to and subscrib	and hafare was her	rcement Omcer
Ol		
Jud	lge / Clerk / Depu	ty Clerk
en men sam han der man dad gase erte som till gibt. Fra han der gan gag das gad man gan		Court
may be the first year and the last the precision have been decided	OR	
	Notary Public	
	Count	y/State of Ohio/
OTICE TO DEFENDANT: Of -(complaint on your copy	fficer not required t	o swear to summons
Delete the lines not ap	plicable	
lanthal Southeastern, Inc., 1-800-837-1	304, Re-Orcer 61565 Y 本意	Farm.No. MX56-13

-Jetem Kry 150pg

p. 2

Case: 2:09-cv-00583-JLG -EPD Doc #: 100-11 Filed: 02/23/11 Page: 2 of 30 PAGEID #: 881

Rankin

Village of Frazeysburg Muskingum County, Ohio Mayor's Court Magistrate Shawn Crawmer



Transfer to Muskingum County Court

This matter having came before the Village of Frazeysburg Mayor's Court this
day of Sactant-1520 (1); and upon motion of the defendant
Crowd M. Cirk request that this case before transferred to
the Muskingum County Court for further proceedings.
For good cause shown, the above captioned matter is hereby transferred to the Muskingum County Court for all further proceedings.
Case No: #07-0319-09 Summons No: 04 759
Defendant's Name: Cross M. Clinic
Address: 1239 Chestout Street Lot 6.
City, State, Zip Coth of ton, Ohio 43812
Social Security No: 205-70-7845 DOB: 61-15-67
all - a flish
Befendant's Signature
When & and
Magistrate - Shawn Crawmer Clerk of Courts - Marshullitus
TO DEFENDANT
A second of the Mackingum County Court 27 N Fifth St
You are hereby ordered to appear at the Muskingum County Court 27 N. Fifth St. Zanesville, Ohio 43701 on the day of Section 2007.
At 8:30 o'clock AM.
If you fail to appear at this time and place ordered, you may be arrested.
Summons served to defendant on this 4th day of 500 4mbs 2007
X Can Tal
Sefandam's Signature
"C'LACORDU
Issuing Law Enforcement Officer Clerk of Courts
CC: Defendant
Defense Counsei Muskingum County Court Clerk
Defendant's File Frazeysburg Police Department

1-740-828-2913 Case: 2:09-cv-00583-JLG -EPD Doc #: 100-11 Filed: 02/23/11 Page: 3 of 30 PAGEID #: 882

OHIO BUREAU OF MOTOR VEHICLES REPORT OF LAW ENFORCEMENT FICER ADMINISTRATIVE LICENSE SUSPENSION /

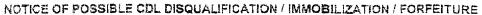
NOTICE OF POSSIBLE COLDISQUALIFICATION / IMMOBILIZATION / FORFEITURE

A. NAME	DRIVER LICENSE NUMBER	CLASS STATE
CURRENT STPEET ADDRESS (AS VENIFIED BY OFFICER)	100140011	1 15 7/9
177 1 Physologic Starts Fatt 6	LOHIO COUNTY OF RESIDENCE IS	TATE ZP COUE
Cut-10 c/o M	1/0721/6/10/1	1000
DATE OF BINTH SCCIAL SECURITY NUMBER	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Your English
DATE OF VICUATION TIME OF VIOLATION DIAM DIP		
TRUE OF PERIOD OF TEST	YEAR MAKE LICENSE PLATE NO.	TYPE PLATE STATE
VEHICLE OWNER'S NAME	MI FIZ FORD BITH STREET ADDRESS	1 1911
TO HANG 7 TO STATE	7 7/P CODE _	- 1 1 2 2 2 2 2 3 3
COSTRETEN	ارس الرام الم	
TUCHICLE STORED AT (STREET ADDRESS)	+1284512616 Della	THE POYSIGNES .
B. Officer to Complete for All OVI / Physical Control Arrests:	I requested the driver by reading advice on the back, to su and/or for the presence of any controlled substance or met	brnit to a chemical test (s) for alcohol
Circle arrest type: / ÖV(Physical Control The driver:	OVI/Physical Control arrest before test were:	Security of the security of th
Refused to submit to test (3).	Subject tested for controlled substance or metabolite. 0	Findle test type for which controlled substance
Submitted to test (s). 0. 3/2 alcohol test result Circle test type for which results were reported:	or metabolite results were reported: Urine, Whole Bloor Specify controlled substance and/or metabolite results:	i, Blocc Setum, or Blood Plasma.
Whole Blood Breath, Urine, Blood Serum, or Blood Plasma	Subject tested positive for prohibited level of marihuant	metabolite(specify amount;
☐ -Was placed under an Administrative License Suspension (4511.191) ☐ License was selzed	and was under the influence of alcohol and/or a drug or Controlled substance or metabolite test result received	
Offender was provided a copy of this form at the time of arrest.	with notice of Administrative License Suspension on	
C. Officer to Complete Applicable Vehicle Sanctions: License place(s) seized	Wehicle seized under 4511.203 only (DUS or wrongful) Mail this form to the BMV	entrustment of a motor vehicle) If so, Do Not
☐ Vehicle seized under 4511.195 (OV:)	☐ Vehicle subject to immobilization☐ Vehicle subject to forfeiture	PLAINTIFF'S
D. Offirm to Complete if Offender was Operating a Commercial Vehicle:		
ੋਵੰਡਰੈ ਰਜ਼ੇਸ਼ showed advice to offender (4535.17)	Commercial vehicle per definition (4506.91(E)) 24-hour out-of-service order	EXHIBIT
Submitted to Jestisi C. % alconol test result	CDL to be disqualified	
(Crole Ons) Whole Blood Breath, Urine, Blood Serum, or Blood Plasma Pronibited Alcohol Content without OVI charge	Hazardous malerial	
Pronibiled Alcohol Cement with OVI charge	Operated a commercial vehicle under the influence of a	controlled substance
E. The advice on the back of this form was read to me and I have received a copy of this form:	x Rensie	REFUSED TO SIGN
F. Complete Below Only for an OVI / Physical Control ARREST.	SIGNATURE OF DRIVER	
We, the undersigned, cartify that the sovice prescribed by the General Assemb	ply (under 4511,192), was shown to the person under arres	t and read to him or her in the presence of the
arresting officer and one other berson.	TREES NEWS MAR PARE DER	7. OHO 6 6 6 8
SIGNATURE OF ARRESTING OFFICER	TRAILYGBURG PARE DEP ENFORCEMENT AGENCY	N.C.I.C. NUMBER
	OFFICER'S BUSINESS STREET ADDRESS	<i>E</i> 17
x TANKAGE VIGT	12-17-1450000	01119 93532
SIGNATURE OF WITNESS	CITY	STATE ZIP CODE
COMPLETE BELOW ONLY ON OVI ARREST, PHYSICAL CONTROL ARREST, O STATE OF OHIO, COUNTY OF	R ARREST INVOLVING COMMERCIAL VEHICLE. AFFIDA	VIT OF ARRESTING OFFICER:
" readily Larrestaid the person, having had reasonable provinds to believe the person !	was operating a vehicle upon a highway, or upon public or p	rivate property used by the public for vehicular
travel or parking in the State of Onio, under the influence of atomol ancior drugs of crondities concentration of algorithm the whole blood, blood serum, blood plasma, I	preath or urine. I advised the person in the prescribed mann	her of the consequences of a refusal or a lest.
The person either refused the lest, or was under arrest for CVI and took the test and (all as described above). In the case of a commercial vehicle (if applicable) (,) had it	I had a promitited concentration of alcohol in the whole blood easonable grounds to believe the person was driving a con	d, blood serum, blood plasma, breath, or unne- omercial motor vehicle in the State of Ohio in
violation of section 4506.15 of the Ohio Revised Code. The information contained on	this form is true to the best of my knowledge and ballet.	
A TOP CONTROL OF STREET STREET OF STREET	The state of the s	
ARRESTING OFFICER SIGNATURE	Than often will be	N. Vicinias
Sworn to before me this 1 and of Switch the best 1	NOTARY PUBLIC S SIGNATURE	Jan Jan St. Cale Land
77	to that a country of the	
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DEPUTY CLERK OF COURT'S SIGNATURE	City of	
DEPUTY CLERK OF COURT'S SIGNATURE BAY 2255 7.06	White/Origins - EMV Canary - Law Enforceme	nt Pink - Court Goldenrod - Offender

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ORIO BUREAU OF MOTOR VEHICLES.

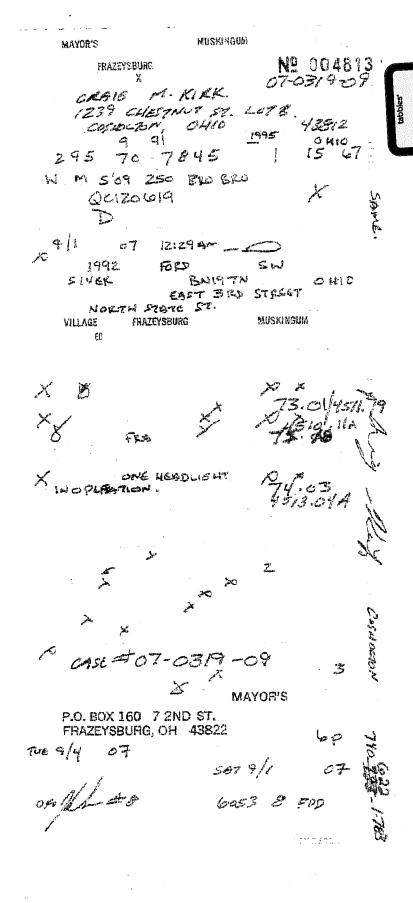
REPORT OF LAW ENFORCEMENT. FICER ADMINISTRATIVE LICENSE SUSPENSION /



A NAME	na di santa da santa		DRIVER LIÇENSE NUMI		CLASS	STATE
CURRENT STREET ADDR	ESS (AS VERIFIED BY OFFICER)		QE1200019	<u> </u>		9/1/2
1230 AUCCE	407 57.7887 LC	<u> </u>	OHIO COUNTY OF RES	IDENDE I S	TATE ZIP COD	E
Casiloctor	V OCIAL SECURITY NUMBER		4 DIGIT COURT CODE		410 43	E12
	799 170 1 ZE		10055	COONTY OF	السارات في مهوا	
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DATE OF REFUSAL OF TE	ST THE OF REELISM	OR TEST MAM I PM	YEAR MAKE	LICENSE PLATE NO.	TYPE PLATE	STATE CALLO
VEHICLE OWNER'S NAME		9	ATÉ OF BIRTH	STREET ADDRESS		
CITY		STATE	110	ZIP CODE	<u> </u>	
VEHICLE STORED AT IST	REST ADDRESS)	1882			और 📑	en de la companya de La companya de la co
	All OVI / Physical Control Arrests		クラミアンバシスとか requested the driver, by rest	ding advice on the back, to su	アンストアインズイ hmit to a cnemical tes	
Circle arrest type: - Uv The driver:	Physical Control	a	ind/or for the presence of an	y controlled substance or met afone test were:	abolite. My reasonabli	e grounds for
	. 0. % sicohol test result		or metabolite results were	led substance or metabolite. C a raported: Unne, Whole Brook	i, Blood Serum, or Blo	
Whole Blood, Breath	itich results were reponed: a. Unite, Blood Serum, or Blood Plas ri Administrative License Suspension	ma [Subject tested positive fo	nce and/or metabolite results; r prohibited level of marificana nce of alcohol ang/or a drug of	: matabolite	(specify amount)
License was saized	ec a copy of this form at the time of	Г	Controlled substance or r	netabolite test result received ive License Suspension on		Subject served
C. Officer to Complete Ap			Vehicle seized under 451 Mail this form to the BN	1.203 only (DUS or wrongtuie	entrustment of a moto	r vehicle) If so. Do Not
cense plate(s) seized unca			Venicle subject to immob Vehicle subject to tariellu	ilization	PLAINTI	FE'S
	lifenner was Onervine a Commer	rial Vehicle			EVUID	
### ### #############################		or Blood Plasma		der g	EXHIB 15 - 1	3
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Refused and showed a Refused to submit to Submitted to text() (Circle One) Whole Prortifited Alcohol C Prohibited Alcohol C Prohibited Alcohol C E. The advice on the back copy of this form: F. Complete Balow Only f We, the undersigned, ca arresting officer and one.	dvice to offender (4506.17) I test(s) % alcohol test result Blood, Breath, Urina, Blood Serum, of the third without OVI charge content with OVI charge of this form was read to me and I or an OVI / Physical Control ARRE trify that the advice prescribed by the other person.	or Blood Plasms have received a	24-hour out-of-service on ODL to be disqualified CDL to be disqualified CDL selzed CDL se	rehide under the influence of a		FUSED TO SIGN
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Refused and showed a Refused to submit to Submited to texts (Circle One) Whole Prortibited Alcohol C Prohibited Alcohol C Prohibited Alcohol C E. The advice on the back copy of this form: F. Complete Balow Only f We, the undersigned, ga arresting officer and one X SIGNATURE OF ARRESTING X	dvice to offender (4506.17) test(s) % alcohol test result Blood, Breath, Urina, Blood Serum, of content without OVI charge content with OVI charge of this form was read to me and I or an OVI / Physical Control ARRE rifly that the advice prescribed by the	nave received a	24-hour out-of-service on ODL to be disqualified CDL selzed CDL selzed Hazardous material Operated a commercial v SIGNATURE OF DRIVER (under 4511.192), was should be a selected as the commercial v SIGNATURE OF DRIVER (under 4511.192), was should be a selected as the commercial v SIGNATURE OF DRIVER (under 4511.192), was should be a selected as the commercial v SIGNATURE OF DRIVER OF	win to the person under arrest PALK OF P TADDRESS	controlled substance TREE and read to him or I OHO N.C. O/// // OHO O.C. O/// // OHO O.C. O/// OHO O.C. O// OHO O	FUSED TO SIGN ther in the presence of the
Refused to submit to Submit to Submit to I Refused to submit to I submit to Submit to I submit to Submit to I subm	dvice to offenoer (4506.17) Dest(s) Walcohol test result Blood, Breath, Urina, Blood Serum, or tent without OVI charge content with OVI charge of this form was read to me and I or an OVI / Physical Control ARRE tify that the advice prescribed by the other person. S OFFICER ON OVI ARREST, PHYSICAL CONTOR having had reasonable grounds to to go this, under the influence of alcohologon in the whole blood, blood serus free case of a commercial vehicle (if the Ohio Reviseo Code, The information of the case of a commercial vehicle (if the Ohio Reviseo Code, The information of the case of a commercial vehicle (if the Ohio Reviseo Code, The information of the case of a commercial vehicle (if the Ohio Reviseo Code, The information of the case of a commercial vehicle (if the Ohio Reviseo Code, The information of the case of a commercial vehicle (if the Ohio Reviseo Code, The information of the case of a commercial vehicle (if the Ohio Reviseo Code, The information of the case of the case of the case of the case of the ohio Reviseo Code, The information of the case of the case of the case of the case of the ohio Reviseo Code, The information of the case of the ohio Reviseo Code, The information of the case of the ohio Reviseo Code, The information of the case of the ohio Reviseo Code, The information of the ohio Revi	or Blood Plasma Linave received a List: The General Assembly TROL ARREST, OR A Delieve the person ware and and or drugs of abundance took the test and in applicable) I had real applicable) I had real	24-hour out-of-service on ODL to be disqualified CDL selzed CDL selzed Hazardous material Operated a commercial v SIGNATURE OF DRIVER (under 4511.192), was shown of the CDL of	win to the person under arrest ET ADDRESS MERCIAL VEHICLE, AFFIDA It highway, or upon public or privenicle while under the influence in of alcohol in the whole blood the person was draining a com-	controlled substance and read to him or I OHO N.C STATE VIT OF ARRESTING ivate property used b ce of alconor anequer is plood serum, blood blood serum, blood	FUSED TO SIGN ther in the presence of the CLIC. NUMBER ZIP CODE OFFICER: by the public for vehicular trugs of abuse, or with a sees of a refusal or a test plasma breath or union.

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MAYOR'S	
P.O. BOX 160 7 2ND ST. FRAZEYSBURG, OH 43822	
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REPORT OF LAW ENFORCEMENT. .. rlübk ADMINISTRATIVE LICENSE SUSPĒNSION /

NOTICE OF POSSIBLE COL DISQUALIFICATION / IMMOBILIZATION / FORFEITURE DRIVER LICENSE NUMBER STATE 0 410 RM16 CHIO COUNTY OF RESIDENCE 0540020A 0410 AK S 3.ALE 16 May 18 لتنطيح فالمتحلك PEGZEKERVES AT (STREET ADDRESS) 12 66 16 THE ELECTION OF 10 5557 I requested the drive, by redoing acritice on the each, to submit to a chemical rest (s) for alcohol E. Officer to Corporate for All OVI / Physical Control Arrests:
Circle arrest type: Obj Physical Control and/or for the presence of any controlled substance or metabolite. My reasonable grounds for O'//Physical Control arrest before lest were: The driver. Subject leated for apparelled substance of metabolite. Circle test type for which controlled substance Refused to submit to test is) or metabolite results were reported: Linne, Whole Black, Blood Serum or Blood Plasma. 1/4 alcohol test result Submitted to test (s). 0. Specify controlled substance analor metabolita results: Circle test type for which results were reported Specify controlled substance analog menthodias resonantial specify controlled substance analog menthodias resonantial specific controlled substance analog menthodias resonantial specific controlled substances analog menthodias resonantial sub Whole Blood, Base, Urine, Blood Serum, or Blood Plesma Was placed under an Administrative License Suspension (4511.151) and was under the influence of alcohol and/or a drug of abuse. Controlled substance or metabolite test result received on Subject served License was seized Offerder was provided a copy of this form at the time of errest. with notice of Administrative License Suspension on Vehicle seized under 4511,203 only (DUS or wrongful entrustment of a motor vehicle) if so, Do Not Officer to Complete Applicable Vehicle Sanctions: Mail this form to the EMV License plate(s) seized
Venicle seized under 45: 1.195 (OVI) Vehicle subject to immobilization Vehicle subject to forfaiture D. Officer to Complete if Offender was Operating a Commercial Vehicle: Commercial vehicle per definition (4506.01(E)) d and snowed advice to offender (4506.17) 24-hour out-of-service order Refused to submit to test(s) CDL to be disqualified luzen tzer oriogis 🚜 Submitted to test(s) 0 CDL saizad (Circle One) Whole Blood, Breath, Urine, Blood Serum, or Blood Pissma Hazardous material Prohibited Alcohol Content without DV charge Operated a commercial vehicle under the influence of a controlled substance Prohibited Alcohol Content with OVI charge E. The advice on the back of this form was read to me and I have received a PREFUSED TO SIGN - CF45 13 copy of this form: SIGNATURE OF DRIVER F. Complete Below Only for an OVA Physical Courset ARREST.

We, the undersigned particular the advice prescribed by the General Assembly (under 4511.192), was shown to the person under arrest and read to him or her in the presence of the urresting officer and the ding person. 0 مرشاجوي N.C.I.C. NUMBER RCEMENT AGENCY SIGNATURE OF ARRESTING OFFICER Box. 160 OFFICER'S BUSINESS STREET ADDR 100 2007LYSBUKG STATE SIGNATURE OF WITHESS COMPLETE BELOW ONLY ON OVI ARREST, PHYSICAL CONTROL ARREST, OR ARREST INVOLVING COMMERCIAL VEHICLE. AFTIDAVIT OF ARRESTING OFFICER MUSTINGUM. STATE OF OHIO, COUNTY OF I certify I arrested the person, having had reasonable grounds to delieve the person was operating a vehicle upon a highway, or upon public or crivate property used by the public for vehicles travet or parking in the State of Ohio, under the influence of accord and/or drugs of source in physical control of a vehicle white under the influence of alcohol and/or drugs of abuse, or with a prohibited concentration of ajcohol in the whole blood, blood serum, blood plasma, breath, or urine, convised the person in the prescribed manner of the consequences of a refusel or a lest The person striper instrused the test, or was under arrest for OVI and took the test and had a prohibited concentration of alcohol in the whole blood, blood serum, blood bearna, breath, or unine (all as described above). If the case of a commercial vehicle (if applicable) I had reasonable grounds to believe the person was driving a commercial vehicle in the State of Ohio in violation of sedaga 4506.15 of the Drice Revised Code. The information contained on this form is true to the best of my knowledge and belief. ARRESTING OFFICER SIGNATURE Astimber 20 07 NOTARY PUBLIC'S SIGNATURE

City o

DEPUTY CLERK OF COURT'S SIGNATURE

WitnerEniginal - BMV Cemany - Law Enforcement, Pink - Court, Goldenrot - Offender

BMJ 2256 7/06

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Sep 07 07 12:25p Mayor's Office 1-740-828-2913 p.9

Case: 2:09-cv-00583-JLG -EPD Doc #: 100-11 Filed: 02/23/11 Page: 9 of 30 PAGEID #: 888

Sep 07 07 12:25p

OPERATORS SIGNATURE

Original: Court Copy

Copy: Filed At Instrument Site

Mayor's Office 1-740-828-2813 Case: 2:09-cv-00583-JLG -EPD Doc #: 100-11 Filed: 02/23/11 Page: 10 of 30 PAGEID #: 889 07-0319-09 **BAC DATAMASTER** Bureau of Alcohol and Drug Testing SUBJECT TEST PORM SUBJECT NAME TEST DATE YEAR TAC SOCIAL SECURITY # SEX DATE OF BIRTE AGE 40 70 96 CITY ADDRESS Tight W) I TO TULTEDHO PABL DRIVER LICENSE # STATE EXPIRES ZIP CODE QC120619 995 13&にて DEPARTMENT ARRESTING OFFICER JOH ELLENGE FRATOSUMA POULS DOCT STATUTE / ORDINANCE UNIFORM TRAFFIC TICKET # 4,50 TEST SITE # VIOLATION 11/266 71.19 73.01 BAC DataMaster Operational Checklist (1) Observe subject for twenty minutes prior to testing to prevent oral intake of any PLAINTIFF'S (Z) Press "RUN" button. EXHIBIT (3) Enter data as prompted by instrument display. (4) Take breath sample when "PLEASE BLOW" appears on display. TEST RESULT 0. (EE) EO g/210L CHECK IF SUBJECT REFUSED TEST INSTRUMENT SERLAL # EXPIRATION DATE TEST I.D. # PERMIT 07-180 30615 2608 8/163(-)-6

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Case: 2:09-cv-00583-JLG -EPD Doc #: 100-11 Filed: 02/23/11 Page: 11 of 30 PAGEID #: 890

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PAGE NO



FRAZEYSBURG POLICE DEPARTMENT

OHIO UNIFORM INCIDENT REPORT



Saturday, September 1, 2007 at 12:29 sum.

: Officer Jason Schilling Linut #6 was conducting stationary patrol in the Hundington Bank Parking Lot located at the intersection of 3rd Strest and State Street, I opserved a silver Ford Escolin Station Wegon traveling nontribound on South State Street. The vehicle completed a right rum and drove essoound on 3rd Street. Lobertved that the driver did not signal when turning and the vehicle only had one operational headilight on the driver side.



I grove out of the Huntington Bank Fatteng Lot and traveled eastbound on Srd Street, This suspect vention specifie and appropriate to stop when I activated my overhead beacons and turned on my studiole siren on my marked patrol vehicle.

The vendu suddenly slowed and quickly drove off the roadway, onto the south side of the roadway, still lading eastbound

connected the Muskingum Courny Sheriff's Department Dispatcher and advised of the Institution, vehicle information (Ohio Plate; BN19Tix) and advised of my location. East 3rd Street and west of ventameourg Square Salas.

Lexited my parrol vehicle (HTCQ) and approached the driver side window of the vehicle. Lobsenved a male timer as the sole occurrent. As I approlatived the vehicle, I also smelled a strong oddrief an unknown alcoholic beverage entring from the open criver side window

I made contact with the driver, who identified himself a Craig M. Kink from Coshoctor, Chib. I asked for his driver's liberose, insurance information and vehicle registration. With said, "Well that is going to be hard for me to do." He booked at me and then looked away, I smelled a strong odor of an unknown alcoholic beverage on his breath. His eyes were glassy and his publis were fully disted. He could not maintain eye contact with me and his head kept failing to his right enougher, I asked why he did not have his hosnes on him. He said, "Well that is a long story, you see I am an ex-paints, and I do not believe in government or any type of identification." I asked for his name, Social Security Number and date of birth. He provided his name and date of birth, but raissed to provide his Social Sequity Number.

Ladvised Kinchat I stopped his vehicle because he did not signal when turning onto east 3rd Street and his beassinger side headlight is not working He said 11 don't believe that. I bet this is because of me being a Green's house, "I asked where Green's house is, he said, "You know, Josh Green. he only lives a few drong down from the Police Department, he is a trouble maker and doesn't believe in government either." I assured nim i did not stop him for mat reason. Kink said, "Well it is probably because I am Jewish." I once again assured him it was not for that reason.

I asked Kirk if he consumed any akathol, illegal autotance or other only belove oreing. He said no.

I asked him to stay in his vehicle while I checked his driver's incense information

I walkied back to my parrol can and made conduct with the Muskingum County Sheriff's Department Dispatcher, I was advised by the dispatcher that the Ford Escort is registered to Jashetta Kirk, and Chaig Kirk's license was taken permanent revocation since June, 27, 1994 through Frankhi Dourny Municipal Court

I observed Kinds accome from my venicle. I conserved him strike the cashboard with his fist, coal around inside the vehicle, snake his first over his head and throw a whall unknown object into the rear storage compartment of his veloce.

requested assistance through the MCSO dispatcher. Dresden Police Department (Linit 2 / Asst. Chief) advised he was en-haute. MCSO Deputy Caldyell also advised he was 'en-route

; exited my vehicle and approached the driver side window of the suspect vehicle. Ladvised Kirk that his tidense are under suspension cermanently. He said, "Yeah, and what else is new, laiready knew that," I asked him to a standard field sobriety test. He refused I explained the consequences for not submitting to the field test. He still refused.

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ORI NUMBER: CHD600400

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IR DATE: -.. 29/01/2007 03:30:00

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Translation of the second

FRAZEYSBURG POLICE DEPARTMENT

OHIC UNIFORM INCIDENT REPORT



Leaked him to step out of the vehicle. He aid without incident. I walled him to the rear of his vehicle and advised he was under arrest for suspicion of OVI and Driving Under Suspension. I could small a strong odor of an unknown alcoholic beverage upon his breath and person. His eyes were glassly, and he stumbled as he walked, I advised him of his Mindoe rights and placed him under arrest. Kirk said he has a bad back and neck and carnot wear one set of handoutfs behind his back. I placed both available pairs of handoutfs on his wrists for maximum pornitor. He asked if I would place the handoutfs in from of him. I expained that I would, when my back-up arrives. I walked him to the rear passenger side of my druser I regist behind to a field sobriety test and of the does not the open said not. Kirk stated he was being falsely arrested and I was violating the "Commandments of Moses." I asked him to recite the commandments. I was violating. He mumbled and said, "I can devise him that you one, the rest are a secret." Kirk said, "I am Jewish, so does that mean you are going to shoot me along the roadside?" I assured him that would not happen. He said, "That is what Hitler did."

Direscen (Unit 2) arrived and parked behind my cruiser. The Dresderi officer assisted me with patting down kink and placing a third set of harrocuffs in a phain along Kink's storage. Kink advised he was more comfortable.

MCSO Deputy Sheriff Calciwell also arrived as we placed the third set of frandouffs on Kirk.

Kirk was placed in the rear passeriger side of my patrol car.

Dresden (Unit 2) contracted the MCSO dispatcher and requested a tow truck i completed an inventory of the vehicle prior to impound, i noted the private and VIN number of the vehicle. I also completed an inventory of the entire interior of the vehicle, i observed a large amount of trash inside the reliable and VIN number of the vehicle. I also completed an inventory of the entire interior of the vehicle, i observed a large amount of trash inside the vehicle. The criver seat was wet and smelled like urine. The interior of the vehicle also smelled like an unknown alcoholic beverage. I noted a fixed vehicle secured inside a leather sheath lying on the passenger side dashboard. The blade appeared to be five inches or less in length and was not removed from the vehicle.

competed an inventory of the rear storage compartment of the vehicle. The compartment is not separate and is accessible from the front and rear passenger seats. I moted on the inventory sheet a red plastic tool kit with miscellaneous tools and trash. I discovered a compacted 12 oz. Budweiser bear can near the toolidit.

The plan contained a small amount of an unknown yellow liquid that smelled and appeared to be an alcoholic beverage. The can was very cold and most. The weather conditions during the traffic stop were clear and warm. The contents of the can smelled fresh and the can appeared to have been recently opened and amplied or consumed.

I walked bank to my pairol vehicle and spoke with Kirk about the beer can I found in the storage area, I asked if he consumed the contents prior to or white driving. He laughed and said, "On, we collect cans to recycle."

1:20 a.m.

UR Towing arrived (Business Address: 10 East 3rd Street Frazeysburg, Onio 43822) I advised the low truck driver, James Smith, that the vehicle is not on-hold, but can only be released to the owner, Jeanette Kirk. The keys were left in the ignition.

1:45 a.m.

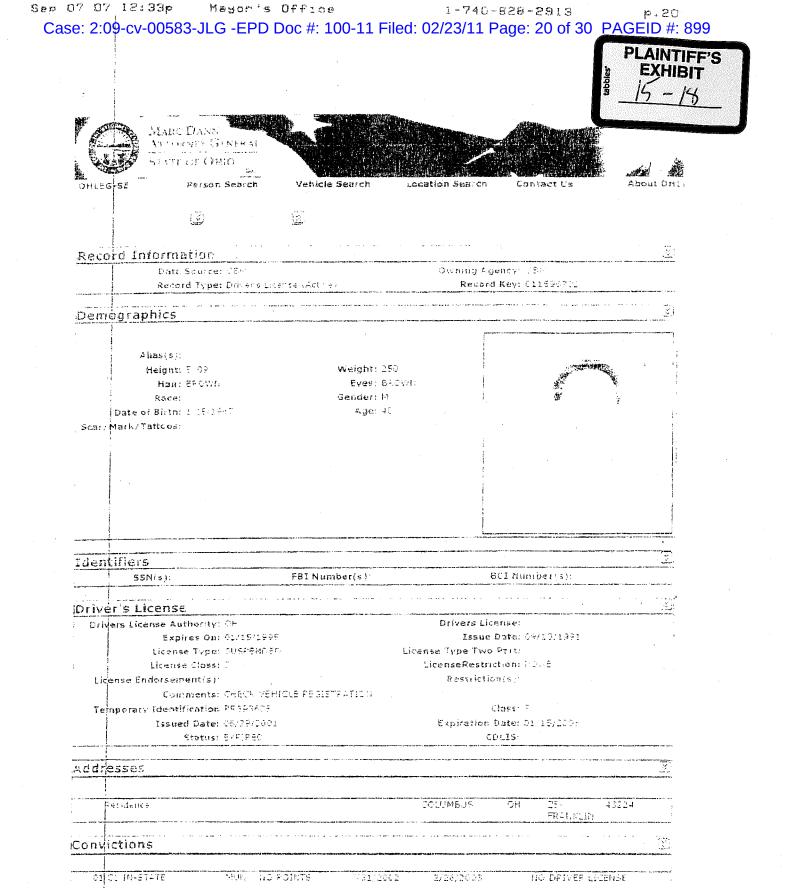
I transponse Kirk to Onio, State Highway Patrol Post 66 in Zanesville, Ohio, Fread Kirk his Miranda, he said he understood. Trooper Roe [362] with essent the Miranda form. Kirk refused to sign the form.

Trooper Rob setup the Breamalyzer Machine for the breath test. He placed a fresh placed on the bow tube of the machine. The mouth place was inside a sealed clear placetic baggie prior to being removed.

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IR DATE: ----9/01/2007 63:30:00 07-00019-05 CH0600400 IR No EzeR ORI NUMBER: FRAZEYSBURG POLICE DEPARTMENT **CHIO UNIFORM INCIDENT REPORT** t read the BMV 2255 consequences section on the reverse side of the form to Kink Kink refused to read along with the form. After the form was read to him, he said, "v\natever" Trooper Roe signed the form as a witness 2:07 a.m. Trooped Roe requested that Kirk plow into the mouthplece on the Breathalyzer Machine. Kirk refused and did not place his mouth on or near the tubal i-le ternamest sealed in front of the mechine. Roe recorded the results as a refusal. 2:36 გ. რ. I transported Kirk to the Frazeysourg Police Department for processing, I completed an influence Report. Kirk was cooperative during the interview 1 presented him with a copy of the BMV 2255 form and Breathelyzer Maurine Report. I advised Kirk that he is being charged with CVI, Driving Under Suspension and Failure to Display Two Operable Headlights. He sale he underslood and signed chatton #4813 Ladvised him he is scheduled to appear in Frazzysburg Mayor's Court on Tuesday, September 4, 2007 at 6:00 p.m. He said, "There is going to be a problem with that. That is a Jewish Holiday, I clonit conduct business on holidays." I asked what the name of the holiday is. He said, "It is a Jewish thing, it is a new moon. 13 advised I am not familiar with that being a holicay, I explained that he would need to contact the court to resonecule, and if he does not appear, a warrant would be issued for his arrest. He said, "I guess I can work something out." 3 45 a.m. Kink was released to his wife DATE: 09/04/2007 14:19 BADGE NO. Schilling, Jason REPORTING OFFICER:

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; {	FOLLOW-UP?	If yes, follow-up	
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	그 나는 그 보다	Assignment.	



Sep 07 07 12:34p Mayor's Office 1-740-828-2913 p.21 Case: 2:09-cv-00583-JLG -EPD Doc #: 100-11 Filed: 02/23/11 Page: 21 of 30 PAGEID #: 900

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1	03 C1 IN-STATE	MUR	CONVICTION	7/19/1992	3/17/1992	OVI-ALCOHOL &/OR DRUG
	04 C1 IN-STATE CONVICTION	नलम	CONVICTION	1/10/1992	4/8/1992	OVI-ALCOHOL BYOR DRUG
1.5	05 CI IN-STATE	MUN	CONVICTION	2/28/1992	3/10/1992	OVI-ALCOHOL WOR DRUG

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O: NO NON	CONVICTION	SUSPENDED	PLAINTIFF'S EXHIBIT	7/31/2001
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Sep 07 07 12:35p ep 07 07 12: 35p Mayor's Office 1-740-828-2813 p.22 Case: 2:09-cv-00583-JLG -EPD Doc #: 100-11 Filed: 02/23/11 Page: 22 of 30 PAGEID #: 901 Mayor's Office

Title: 1999 Photo Title: 1997 Photo Date: Date: Access History Schilling, Jason Frazeysburg Police Department 9/4/2007 3:07:36 에서

Disclaimer

This data is provined by the OBMV and originates from their Vehicle Registration files with the exception of the photos which are cross referenced from the Driver's License files using the SSN of the owner. Information provided is for investigative purposes and may contain maccuracies. Verify accuracy with the OBMV. The office of Amorney General of Onlo disclaims liability for any

Access to OHLEG-SE is a privilege subject to termination. Data accessed through OHLEG is continuously subject to the similations or bissemination required by each component database or other service, and is not to be sold, transmitted or disseminated to any unar person. Failure to abide by these conditions of use may result in the termination of OHLEG access, and/or criminal prosecution it app Sep 07 07 12:35p Mayor's Office 1-740-828-2913 Case: 2:09-cv-00583-JLG -EPD Doc #: 100-11 Filed: 02/23/11 Page: 23 of

PLANTIFRIS2 EXHIBIT IS - 31

DS.OHOHP6000.295707845

CRAIG M KIRK

2191 MELROSE AVE E COLUMBUS, OH 43224 COUNTY: 25-FRANKLIN DOB: 01/15/1967 AGE: 40

SSN: 295 70 7845 KEY: 011596732

** PHYSICAL DESCRIPTION **

** ANATOMICAL DONOR: NOT LISTED

SEX: M HGT: 5' 09" WGT: 250 HAIR: BROWN

A EYES: BROWN

** DRIVER LICENSE INFORMATION **

DLN: QC120619 CLASS: D ISS: 09/10/1991 EXP*(601/137/1995

STATUS: SUSPENDED

RESTRICTIONS: NONE

** TEMPORARY ID CARD INFORMATION **

IDN: RR698605 CLASS: T ISS: 06/29/2001 EXP: 01/15/2005

STATUS: EXPIRED

CHECK VEHICLE REGISTRATION

_____ SUSPENSIONS: 16 ----

OI NO NON COMPLIANCE SUSPENSION

RECORD ADDED ON: 04/11/2003 SEQ NUMBER: 045

BMV CASE: 0047363J STATUS: SUSPENDED

FROM: 04/11/2003 TO: 07/10/2003 CLASS:

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 2176129

OWNER: YES RECEIVED DATE LICENSE: 10/24/2006

REASON: CONVICTION

FRA FROM: 04/11/2003 TO: 04/11/2006 OFF DATE: 07/31/2002

FEE: REQUIRED

D2 PR PERMANENT REVOCATION

RECORD ADDED ON: 07/09/1994 SEQ NUMBER: 043

BMV CASE: E0000038 STATUS: SUSPENDED

FROM: 06/27/1994 TO: INDEFINITE CLASS:

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 94120753

OFFENSE DATE: / /

03 NC MON COMPLIANCE SUSPENSION

RECORD ADDED ON: 07/09/1994 SEQ NUMBER: 044

BMV CASE: NA506418 STATUS: FAILURE TO REINSTATE

Page 1

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Case: 2:09-cv-00583-JLG -EPD Doc #: 100-11 Filed: 02/23/11 Page: 24 of 30 PAGEID #: 903

FROM: 06/27/1994 TO: 09/25/1994 CLASS:

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 94120753

OWNER: NO RECSIVED DATE LICENSE: 10/24/2006

REASON: COURT NONCOMPLIANCE

OFF DATE: 05/28/1994 FRA FROM: / / TO: / /

COUNTY: 25-FRANKLIN OFFENSE DATE: 05/26/1994

FEE: REQUIRED

HAZARDOUS MATERIAL: NO COMMERCIAL VEHICLE: NO

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN '

POI: REQUIRED

05 HE HABITUAL ALCOHOLIC

SEQ NUMBER: 039 RECORD ADDED ON: 02/11/1993

BMV CASE: H18926 STATUS: SUSPENDED

FROM: 02/01/1993 TO: INDEFINITE CLASS:

06 ST TWELVE POINT SUSPENSION

SEQ NUMBER: 035 RECORD ADDED ON: 12/22/1992

BMV CASE: P9228540 STATUS: FAILURE TO REINSTATE

FROM: 12/22/1992 TO: 12/22/1992 CLASS:

ACTION DATE: 12/02/1992

FRA FROM: 12/22/1992 TO: 12/22/1995

REMEDIAL: REQUIRED EXAM: REQUIRED

07 SI ADMINISTRATIVE LICENSE SUSPENSION/REFUSAL

RECORD ADDED ON: 09/16/1992 SEQ NUMBER: 030

BMV CASE: 11027858 STATUS: FAILURE TO REINSTATE

FROM: 09/15/1992 TO: 09/15/1993 CLASS:

COUNTY: -UNKNOWN OFFENSE DATE: 07/19/1992

FEE: REQUIRED

HAZARDOUS MATERIAL: UNKNOWN COMMERCIAL VEHICLE: UNKNOWN

COURT: 9900-BUREAU MOTOR VEHICLES TYPE: ADM

POI: REQUIRED

08 DI COURT SUSPENSION/OVI

RECORD ADDED ON: 08/26/1992 SEQ NUMBER: 023

BMV CASE: X0157294 STATUS: FAILURE TO REINSTATE

FROM: 08/17/1992 TO: 08/18/1993 CLASS:

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 92132586

OFF: OVI-ALCOHOL 6/OR DRUG OFFENSE DATE: 07/19/1992

FEE: REQUIRED POI: REQUIRED

OS NO NON COMPLIANCE SUSPENSION

RECORD ADDED ON: 09/08/1998

SEQ NUMBER: 029

BMV CASE: N2022202 STATUS: FAILURE TO REINSTATE

FROM: 08/17/1992

TO: 11/15/1992 CLASS:

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 92132536

RECEIVED DATE LICENSE: 10/24/2006

REASON: COURT NONCOMPLIANCE

ERA FROM: 08/17/1992 TO: 08/17/1995

TEN SET OFF DATE: 08/17/1992

FEE: REQUIRED

10 SI TWELVE POINT SUSPENSION

RECORD ADDED ON: 06/02/1992

BMV CASE: P9212060 STATUS: FAILURE TO REINSTATE

FROM: 06/02/1992 TO: 06/02/1992 CLASS:

ACTION DATE: 05/13/1992

FRA FROM: 06/02/1992 TO: 08/02/1995

REMEDIAL: REQUIRED

exam: required

11 DI COURT SUSPENSION/OVI

RECORD ADDED ON: 11/14/1992

SEQ NUMBER: 033

BMV CASE: M0157295 STATUS: FAILURE TO REINSTATE

FROM: 05/31/1992 TO: 06/01/2002 CLASS:

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 92124043

OFF: OVI-ALCOHOL &/CR DRUG OFFENSE DATE: 05/31/1992

FEE: REQUIRED

POI: REQUIRED

12 SR FAILURE TO FILE ACCIDENT REPORT SUSPENSION

RECORD ADDED ON: 05/16/1992

SEQ NUMBER: 019

BMV CASE: A209003B STATUS: SUSPENDED

FROM: 05/15/1992

TO: INDEFINITE CLASS:

13 DI COURT SUSPENSION/OVI

RECORD ADDED ON: 04/23/1992

SEC NUMBER: OLD

BMV CASE: M0157293 STATUS: FAILURE TO REINSTATE

FROM: 04/08/1992 TO: 04/09/1995 CLASS:

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 92100841

OFF: OVI-ALCOHOL s/OR DRUG OFFENSE DATE: 01/10/1992

FEE: REQUIRED

POI: REQUIRED

14 NO NON COMPLIANCE SUSPENSION

RECORD ADDED ON: 04/23/1992

SEQ NUMBER: 015

BMV CASE: N2503221 STATUS: FAILURE TO REINSTATE

Page 3

S Case: 2:09-6v-00583-JLG EPD D66#: 23 1 Page: 26 of 30 PAGEND#: 905

FROM: 04/08/1992

TO: 07/07/1992 CLASS:

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 92100841

RECEIVED DATE LICENSE: 10/24/2008

REASON: COURT NONCOMPLIANCE

FRA FROM: 04/08/1992 TO: 04/08/1935

OFF DATE: 01/10/1992

FEE: REQUIRED

15 NO NON COMPLIANCE SUSPENSION

RECORD ADDED ON: 03/19/1992

SEQ NUMBER: 008

BMV CASE: M2502170 STATUS: FAILURE TO REINSTATE

FROM: 03/10/1992 TO: 05/08/1992 CLASS:

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 92108765

OWNER: RECEIVED DATE LICENSE: 10/24/2006 TO OFFIDATE: 02/98/

REASON: COURT NONCOMPLIANCE FRA FROM: 03/10/1992 TO: 03/10/1995 STP 01

FEE: REQUIRED

16 di CCURT SUSPENSION/OVI

RECORD ADDED ON: 03/19/1992

BMV CASE: X0157292 STATUS: FAILURE TO REINSTATE

FROM: / / TO: / / CLASS:

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 92103765 OFF: OVI-ALCOHOL &/OR DRUG OFFENSE DATE: 02/28/1992

FEE: REQUIRED

POI: AEQUIRED

CONVICTIONS: 5

01 dl IN-STATE CONVICTION

RECORD ADDED ON: 03/07/2003

SEQ NUMBER: 033

OFF: NO DRIVER LICENSE BATCH NUMBER: 030603

CONVICTION DATE: 02/26/2003

OFFENSE DATE: 07/31/2002

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 2176129

PLEA: NOT AVAILABLE SENTENCE: NO POINTS

POINTS: 00

HAZARDOUS MATERIAL: NO

PLATE NUMBER: BN19TN

02 C1 IN-STATE CONVICTION

RECORD ADDED ON: 11/14/1992

SEO NUMBER: 032

OFF: OVI-ALCOHOL &/OR DRUG BATCH NUMBER: 662592

CONVICTION DATE: 10/16/1992

OFFENSE DATE: 05/31/1992

COURT: 2520-FRANKLIN CO MUNI COURT: TYPE: MUN CASE: 92124043

PLEA: NOT GUILTY

SENTENCE: CONVICTION POINTS: 06

HAZARDOUS MATERIAL: UNKNOWN

03 C1 IN-STATE CONVICTION

Page 4

Mayor's Office Sep 07 07 12:38p 1-740-828-2913

Page: 27 of 30 PAGEID #: 906 Case: 2:09-cv-00583-JLG -EPD Doc #: 100-11-F PLAINTIFF'S **EXHIBIT** 

RECORD ADDED ON: 08/26/1992

OFF: OVE-ALCOHOL &/OR DRUG BATCH NUMBER: 082392

CONVICTION DATE: 08/17/1992

OFFENSE DATE: 07/19/1992 COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 92132696

PLEA: NOT GUILTY SENTENCE: CONFECTION POINTS: 96

SEQ NUMBER: 011

SEQ NUMBER: 005

SEQ NUMBER: 023

HAZARDOUS MATERIAL: UNKNOWN

PLATE NUMBER: C80895

04 th in-state conviction

RECORD ADDED ON: 04/23/1992

OFF: OVI-ALCOHOL &/OR DRUG BATCH NUMBER: 041992

CONVICTION DATE: 04/06/1992 OFFENSE DATE: 01/10/1992

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 92100341

PLEA: NOT GUILTY SENTENCE: CONVICTION

POINTS: 06 LEASED TO TER

HAZARDOUS MATERIAL: UNKNOWN PLATE NUMBER: C21418

05 C1 IN-STATE CONVICTION

RECORD ADDED ON: 03/19/1992

OFF: OVI-ALCOHOL &/OR DRUG

CONVICTION DATE: 03/10/1992 OFFENSE DATE: 02/26/1292-ATE

COURT: 2520-FRANKLIN CO MUNI COURT TYPE: MUN CASE: 92106765-LE

FLEA: NOT GUILTY

BATCH NUMBER: 0315925.00

SENTENCE: CONVICTION POINTS: 06

HAZARDOUS MATERIAL: UNKNOWN

PLATE NUMBER: EML 04

INFORMATION: 4

OI NO SIM POINT WARNING

RECORD ADDED ON: 11/16/1992

6 POINTS WARNING MAILING DATE: 11/25/1992 MICROFILM NUMBER: A40806

02 N6 SIX POINT WARNING

RECORD ADDED ON: 08/31/1992

6 POINTS WARNING MAILING DATE: 09/09/1992 MICROFILM NUMBER: A01420

03 N6 SIX POINT WARNING

RECORD ADDED ON: 04/27/1992

6 POINTS WARNING MAILING DATE: 05/06/1992 MICROFILM NUMBER: 136502

04 N6 SIX POINT WARNING

RECORD ADDED ON: 03/23/1992

6 POINTS WARNING MAILING DATE: 04/01/1992 MICROFILM NUMBER: 218190

SEQ NUMBER: 026

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SEQ NUMBER: 017

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END

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MRÍ: 4279100

MRE: 4279100

IN: OHBMV0000 #15053 AT 01SEP2007 02:03:37. S.H.P. ZANZEVILLE

OUT: OHOHP5030 #72 AT 015EP2007 02:03:37

STATE OF OHIO HP-70G 10-0277-00 OHP 0277 Hev. 11/02/01



DEPARTMENT OF PUBLIC SAFETY

Report No. <u>07-03/9-09</u>

Ohio State Highway Patrol

# **Constitutional Rights Waiver**

# YOUR CONSTITUTIONAL RIGHTS

	OSHE-ZALENTILE	
Date	09-01-0)	
Time	2:01 Am.	***************************************
idersta	nd your rights.	

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can and will be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions, and to have the lawyer present with you during questioning.

If you are unable to pay a lawyer, one will be appointed for you prior to any questioning, if you so desire.

If you wish to answer questions now without a lawyer present, you have the right to stop answering questions at any time. You also have the right to stop answering at any time until you talk to a lawyer.

#### WAIVER

I have read the statement of my rights shown above. I understand what my rights are, I am willing to answer questions and make a statement. I do not want a lawyer at this time. I understand and know what I am doing. No promise or threats have been made to me and no pressure or coercion of any kind has been used against me.

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